

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,
a.k.a. JARED ANTHONY ROSE,

Plaintiff,

v.

STATE OF WASHINGTON,
COUNTY OF KITTITAS and
KITTITAS COUNTY
CORRECTIONS CENTER,

Defendants.

NO: 1:16-CV-3171-RMP

ORDER DENYING MOTIONS

By Order filed February 7, 2017, the Court dismissed this action without prejudice to Plaintiff challenging his guilty pleas in appropriate state court and federal habeas proceedings. ECF No. 31. Judgment was entered and the file was closed. ECF No. 32.

On February 13, 2017, Plaintiff presented a document titled, "Motion to Change Name for Free," ECF No. 33. On February 23, 2017, he presented a letter

1 which has been construed as a Motion for Reconsideration, ECF No. 34. The
2 motions were considered without oral argument on the date signed below.

3 Plaintiff, a prisoner housed at the Kittitas County Correction Center in
4 Ellensburg, Washington, is proceeding *pro se* and *in forma pauperis*. The Court
5 did not direct service on named Defendants, but Attorney Heather C. Yakely
6 entered a notice of appearance on behalf of Kittitas County Correction Center,
7 Kittitas County Superior Court and Lower Kittitas County District Court. ECF No.
8 20. Each of those Defendants has been dismissed, ECF No. 34. The Court did not
9 direct Attorney Yakely to respond to Plaintiff's pending motions.

10 MOTION FOR NAME CHANGE

11 Plaintiff asks that his name be changed to include his religious and political
12 views, as well as his father's name. He wishes to change his name to "Aryan
13 Swartzika Rose." He presents no authority by which a federal District Court can
14 legally effect a name change. The Court declines to do so. Therefore, **IT IS**
15 **ORDERED** Plaintiff's Motion, ECF NO. 33, is **DENIED**.

16 MOTION FOR RECONSIDERATION

17 In the single page document received on February 23, 2017, Plaintiff seems
18 to contend that he fixed all the deficiencies of his complaint and it should not have
19 been dismissed because the State of Washington is a person. Plaintiff asks that his
20 case be re-opened and he be allowed to file a Second Amended Complaint.

1 Motions for reconsideration serve a limited function. “[T]he major grounds
2 that justify reconsideration involve an intervening change of controlling law, the
3 availability of new evidence, or the need to correct a clear error or prevent manifest
4 injustice.” *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir.
5 1989). Such motions are not the proper vehicle for offering evidence or theories of
6 law that were available to the party at the time of the initial ruling. *Fay Corp. v.*
7 *Bat Holdings I, Inc.*, 651 F.Supp. 307, 309 (W.D. Wash. 1987).

8 In the instant case, Plaintiff has not alleged that there has been an
9 intervening change of controlling law. Likewise, he has not offered newly
10 discovered evidence that would justify this Court taking a second look at the issue
11 in question (i.e., his failure to present facts from which a plausible claim for relief
12 against identified Defendants could be inferred).

13 The only remaining question for this Court to consider is whether its own
14 prior ruling should be altered to “correct a clear error or prevent manifest
15 injustice.” *Pyramid Lake*, 882 F.2d at 369 n.5. The Court finds no clear error or
16 manifest injustice in its finding that Plaintiff failed to state a claim upon which
17 relief may be granted, and that any challenge to his pleas of guilty to state charges
18 should be pursued in appropriate state appellate and federal habeas proceedings.

19 Plaintiff has presented no facts which would justify reconsideration of the
20 dismissal order. Therefore, **IT IS ORDERED** the Motion for Reconsideration,
21 **ECF No. 34**, is **DENIED**.

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and forward a copy to Plaintiff. The file shall remain closed. The Court certifies any appeal of this Order would not be taken in good faith.

DATED March 29, 2017.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 United States District Judge